



**"VALID THRU SEPTEMBER 30, 2005"**  
**Federal Equitable Sharing Agreement**



**Law Enforcement Agency:** \_\_\_\_\_ ☐ Check if New Participant

- ☐ Police Department                      ☐ Sheriff's Office/Department                      ☐ Task Force<sup>1</sup>  
☐ Prosecutor's Office                      ☐ Other

**Contact Person:** \_\_\_\_\_ **E-mail Address:** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_  
(Street) (City) (State) (Zip Code)

**Telephone Number:** (\_\_\_\_\_) \_\_\_\_\_ **Fax Number:** (\_\_\_\_\_) \_\_\_\_\_

**Agency Fiscal Year Ends on:** \_\_\_\_\_ **NCIC/ORI/Tracking No.:** \_\_\_\_\_  
(Month/Day)

This Federal Equitable Sharing Agreement entered into among (1) the Federal Government, (2) the above-stated law enforcement agency, and (3) the governing body sets forth the requirements for participation in the federal equitable sharing program and the restrictions upon the use of federally forfeited cash, property, proceeds, and any interest earned thereon, which are equitably-shared with participating law enforcement agencies. By their signatures, the parties agree that they will be bound by the statutes and guidelines that regulate shared assets and the following requirements for participation in the federal equitable sharing program.

1. **Submission.** The Federal Equitable Sharing Agreement and the Federal Annual Certification Report must be submitted to **both** the Department of Justice and the Department of the Treasury with a copy provided to the U.S. Attorney in the district in which the recipient law enforcement agency is located, in accordance with the instructions received from the respective departments or as outlined in their equitable sharing guidelines.

U.S. Department of Justice/ACA Program  
10th and Constitution Avenues, NW  
Criminal Division/AFMLS  
Bond Building, Tenth Floor  
Washington, D.C. 20530  
Fax: (202) 616-1344

Executive Office for Asset Forfeiture  
U.S. Department of the Treasury  
740 15th Street, NW, Suite 700  
Washington, D.C. 20220  
E-mail address: [treas.aca@teoaf.treas.gov](mailto:treas.aca@teoaf.treas.gov)  
Fax: (202) 622-9610

2. **Signatories.** This agreement must be signed by the head (or authorized representative) of the law enforcement agency *and* the head (or authorized representative) of the governing body. ***Receipt of the signed agreement is a prerequisite to receiving any equitably-shared cash, property, or proceeds.***
3. **Uses.** Any shared asset shall be used for law enforcement purposes in accordance with the statutes and guidelines that govern equitable sharing, and as specified in the equitable sharing request (either a DAG-71 or a TD F 92-22.46) submitted by the requesting agency.
4. **Transfers.** Before the undersigned law enforcement agency transfers cash, property, or proceeds to other law enforcement agencies, it must verify first that the receiving agency has a current and valid Federal Equitable Sharing Agreement on file with both the Department of Justice and the Department of the Treasury. If there is no agreement on file, the undersigned law enforcement agency ***must*** obtain one from the receiving agency, and forward it to the Department of Justice and the Department of the Treasury as in item 1. A list of recipients, their addresses, and the amount transferred must be attached to the Federal Annual Certification Report.

<sup>1</sup> Attach list of member agencies with their addresses and indicate lead agency.

- 5. Internal Controls.** The parties agree to account separately for federal equitable sharing funds received from the Department of Justice and the Department of the Treasury. Funds from state and local forfeitures and other sources must not be commingled with federal equitable sharing funds. The recipient agency shall establish a separate revenue account or accounting code for state, local, Department of Justice, and the Department of the Treasury forfeiture funds. Interest income generated must be accounted for in the appropriate federal forfeiture fund account.

The parties agree that such accounting will be subject to the standard accounting requirements and practices employed for other such public monies as supplemented by requirements set forth in the current edition of the Department of Justice's *A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies (Justice Guide)*, and the Department of the Treasury's *Guide to Equitable Sharing for Foreign Countries and Federal, State, and Local Law Enforcement Agencies (Treasury Guide)*. The accounting of shared funds must be submitted in the format shown on the Annual Certification Report contained in both the *Justice* and *Treasury Guides*.

The misuse or misapplication of shared resources or the supplantation of existing resources with shared assets is prohibited. Failure to comply with any provision of this agreement shall subject the recipient agency to the sanctions stipulated in the current edition of the *Justice* or *Treasury Guides*, depending on the source of the funds or property.

- 6. Federal Annual Certification Report.** The recipient agency shall submit an Annual Certification Report to the Department of Justice and the Department of the Treasury (at the addresses shown in item 1) and a copy to the U.S. Attorney in the district in which the recipient agency is located. The certification must be submitted in accordance with the instructions received from the respective departments or as outlined in the *Justice* or *Treasury Guides*. ***Receipt of the certification report is a prerequisite to receiving any equitably-shared cash, property, or proceeds.***

- 7. Audit Report.** Audits will be conducted as provided by the Single Audit Act Amendments of 1996 and OMB Circular A-133. The Department of Justice and the Department of the Treasury reserve the right to conduct periodic random audits.

- 8a. During the past 3 years, has your agency been found in violation of, or entered into a settlement agreement pursuant to, any nondiscrimination law in federal or state court, or before an administrative agency?**

☐ Yes ☐ No (If you answered yes, attach relevant information. See instructions.)

- 8b. Are there pending in a federal or state court, or before any federal or state administrative agency, proceedings against your agency alleging discrimination?**

☐ Yes ☐ No (If you answered yes, attach relevant information. See instructions.)

The undersigned certify that the recipient agency is in compliance with the nondiscrimination requirements of the following laws and their Department of Justice implementing regulations: Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*), Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 *et seq.*), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), and the Age Discrimination Act of 1975 (42 U.S.C. § 6101 *et seq.*), which prohibit discrimination on the basis of race, color, national origin, disability, or age in any federally assisted program or activity, or on the basis of sex in any federally assisted education program or activity.

Under penalty of perjury, the undersigned officials certify that the recipient state or local law enforcement agency is in compliance with the provisions of the *Justice* and/or *Treasury Guides* and the National Code of Professional Conduct for Asset Forfeiture.

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Name (Print or Type) \_\_\_\_\_ Date \_\_\_\_\_  
Law Enforcement Agency Head or Authorized Representative

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Name (Print or Type) \_\_\_\_\_ Date \_\_\_\_\_  
Governing Body Head or Authorized Representative

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(Signature)

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(Signature)

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Title (Print or Type)

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Title (Print or Type)